

108TH CONGRESS
1ST SESSION

S. 1011

To amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2003

Mr. KERRY (for himself, Mr. SARBANES, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. WINDFALL ELIMINATION PROVISION RE-**
2 **STRICTED TO TOTAL MONTHLY AMOUNTS IN**
3 **EXCESS OF \$2,000.**

4 (a) IN GENERAL.—Section 215(a)(7) of the Social
5 Security Act (42 U.S.C. 415(a)(7)) is amended—

6 (1) in subparagraph (A), by inserting after
7 “service’),” the following: “if the sum of the individ-
8 ual’s primary insurance amount under paragraph
9 (1) of this subsection and the portion of the monthly
10 periodic payment which is attributable to noncovered
11 service performed after 1956 (with such attribution
12 being based on the proportionate number of years of
13 such noncovered service) is greater than \$2,000,
14 then”;

15 (2) in the second sentence of subparagraph
16 (B)(i), by striking “(with such attribution being
17 based on the proportionate number of years of such
18 noncovered service)” and inserting “(as determined
19 under subparagraph (A))”;

20 (3) in the last sentence of subparagraph (B)(i),
21 by striking “the larger of” and all that follows
22 through “subsection (i))” and inserting the fol-
23 lowing: “the primary insurance amount determined
24 under paragraph (1), reduced (before the application
25 of subsection (i)) by the applicable percentage speci-
26 fied in clause (iii) of the excess of such amount over

1 the larger of the two amounts computed under the
 2 preceding two sentences,”; and

3 (4) by adding at the end of subparagraph (B)
 4 the following new clause:

5 “(iii) For purposes of clause (i), the applicable per-
 6 centage in connection with any individual shall be the per-
 7 centage specified in connection with such individual in the
 8 following table:

“If the sum referred to in clause (i) with respect to an individual is:	The applicable percentage in connection with such indi- vidual is:
Over \$2,000 but not over \$2,250	20%
Over \$2,250 but not over \$2,500	40%
Over \$2,500 but not over \$2,750	60%
Over \$2,750 but not over \$3,000	80%
Over \$3,000	100%.”.

9 (b) **EFFECTIVE DATE.**—The amendments made by
 10 this section shall apply with respect to benefits for months
 11 after the date of the enactment of this Act. Notwith-
 12 standing section 215(f)(1) of the Social Security Act, the
 13 Commissioner of Social Security shall recompute primary
 14 insurance amounts to the extent necessary to carry out
 15 the amendments made by this section.

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